

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

Tr.P(CrI.).No. 36 of 2007()

C.C.NO.282/06 OF THE JFCM COURT, VADAKARA TO
JFCM COURT, TIRUR.

PETITIONER: IST ACCUSED

BYJU RAGHAVAN.E., AGED 28,
S/O.RAGHAVAN, SAKETHAM, MADAPALLY COLLEGE P.O.,
KOZHIKODE.

BY ADV. SMT.NAINA RAJI NAIR
SMT.R.LEELA

RESPONDENTS: STATE/DEFACTO COMPLAINANT

1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. ONCHIYAM CO-OPERATIVE URBAN SOCIETY
LTD.NO.D.2759, REPRESENTED BY ITS SECRETARY
K.PRAKASHAN, KANNOOKKARA P.O., KOZHIKODE DISTRICT.
3. K.PRAKASHAN, SECRETARY ONCHIYAM
CO-OPERATIVE URBAN SOCIETY LTD.,
NO.D.2759, KANNOOKKARA P.O., KOZHIKODE DISTRICT.

BY P.P. SRI.GIKKU JACOB.

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION
ON 06/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

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Dated this the 6th day of March, 2007

ORDER

The petitioner is the 1st accused in a prosecution, inter alia, under Sec.420 of the IPC. Cognizance has been taken on the final report submitted by the police. He had come earlier before this Court with a prayer to quash the proceedings. It is submitted that this Court had directed that the learned Magistrate should not insist on his personal appearance unnecessarily unless such appearance be necessary for further progress of the case.

2. The petitioner has again come to this Court with this petition to transfer the case to a court outside the Sessions Division of Kozhiiode. He suggests transfer to the court at Tirur.

3. What is the reason? The short reason urged is that the petitioner is an Advocate and therefore it would embarrass him if he were to appear before the learned Magistrate.

4. I am not satisfied at all that this is a sufficient reason

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to direct transfer of the case and drive all others concerned to any distant court. The learned Magistrate has not expressed any reservation against the continuance of the case before that court. Nor has the aggrieved party expressed any apprehension that he may not get justice at the hands of the court for the reason that the petitioner is a practicing lawyer before that court.

5. I do not, in these circumstances, find any sufficient or valid reason to justify the prayer for transfer.

6. This transfer petition is, in these circumstances, dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge